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EXAMINER				
JACKSON, JENISE E				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/698,108

**Applicant(s)**

ALTENHOFEN, MICHAEL

**Examiner**

JENISE E. JACKSON

**Art Unit**

2139

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11, 13-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11, 13-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-9, 11, 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Delgado et al(2005/0066324) .
3. As per claims 1, 11, Delgado et al. discloses a method of providing access to a software application of an application core[i.e. primary portion, 0008-0009] and version-specific functionality[0010, 0037]; determining a version of the software application[0023, 0027]; and providing a module link that corresponds to the version[0025], the module link for enabling access to the version-specific functionality[0025, 0037]; wherein the application core includes software that is common across multiple versions of the application, the version includes one of the multiple versions, and the version-specific functionality includes functionality that is specific to the version of the software application[0008-0009, 0023, 0037].
4. As per claims 3, 13, Delgado discloses encrypting the module link before providing the module link[0080].
5. As per claims 4, 14, Delgado discloses wherein the module link is encrypted with a public key that corresponds to a user of the software application[0047, 0080-0081].
6. As per claims 5, 15, Delgado discloses receiving the public key used for encrypting the

module link[0047].

7. As per claims 6, 16, Delgado discloses wherein the module link enables access to the version-specific functionality by referencing the version specific functionality [0025, 0037].

8. As per claims 7, 17, Delgado discloses wherein the module link enables access to the version-specific functionality by downloading the version-specific functionality and incorporating the version-specific module into the application core[0010, 0025-0026].

9. As per claims 8, 18, Delgado discloses wherein the module link comprises configuration settings for the application core[0023, 0025].

10. As per claims 9, 19, Delgado discloses receiving identification information(i.e. product key) that corresponds to a user of the software application; wherein the version of the software application is determined using the identification information[0025].

11. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Doty Jr(2003/0152904).

12. As per claim 21, Doty discloses a first system to provide course content; a second system to provide a content player that presents the course content; and a third system to identify a version of the content player that is to present the course content, and to provide a module link for use with the content player, the module link corresponding to the version of the content player that is to present the course content[0125, 0085]; wherein the content player includes software that is common across multiple versions of the content player, the version includes one of the multiple versions, and the module link is for accessing functionality that is specific to the version of the content player that is to present the course content[0125].

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delgado(2005/0066324) in view of Eck et al. (2005/0014121).

15. As per claims 10, 20, Delgado does not disclose wherein the software application comprises a content player in an electronic learning system and the version-specific functionality corresponds to at least one of an online content player, an authoring environment content player, and an offline content player. However, Eck discloses the software application comprises a content player in an electronic learning system and the version-specific functionality corresponds to at least one of an online content player, an authoring environment content player, and an offline content player[0080, 0084-0085]. It would have obvious to one of ordinary skill in the art to include an electronic learning system that includes a content player of Eck with Delgado, the motivation is that, the content player is used to obtain course material from the content repository[0080 of Eck]. Thus, providing different versions of the content player allows a user more diversity in how the user can access the information.

16. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty Jr(2003/0152904) in view of Eck et al. (2005/0014121).

17. As per claim 23, Doty Jr. is silent on wherein the first system comprises a master repository that stores the course content. Eck discloses wherein the first system comprises a

master repository that stores the course content[0080]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a master repository that stores the course content of Eck with Doty Jr, the motivation is that content repository stores course files that are used to present a course to a user at the learning station[0080 of Eck].

18. As per claim 24, Eck discloses wherein the content player accesses the content from the master repository[0081, 0085]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a master repository that stores the course content of Eck with Doty Jr, the motivation is that content repository stores course files that are used to present a course to a user at the learning station[0080 of Eck].

19. As per claim 25, Eck discloses wherein the content player is provided to a local computer, the local computer having access to a local repository of course content[0082]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a local repository that stores the course content of Eck with Doty Jr, the motivation is that content repository stores course files that are used to present a course to a user at the learning station[0080 of Eck].

20. As per claim 26, Eck discloses wherein the content player accesses the content from the local repository[0081]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a local repository that stores the course content of Eck with Doty Jr, the motivation is that content repository stores course files that are used to present a course to a user at the learning station[0080 of Eck].

21. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty Jr(2003/0152904) in view of Delgado(2005/0066324).

22. As per claim 27, Doty does not disclose wherein the third system encrypts the module link before providing the module link. Delgado discloses wherein the third system encrypts the module link before providing the module link[0080]. It would have been obvious to one of ordinary skill in the art to include encrypting the module link of Delgado with Doty, the motivation is that encrypting is a more secure method of protecting the module link from being viewed by unauthorized users[0080 of Delgado].

23. As per claim 28, Delgado discloses wherein the third system encrypts the module link with a public key that corresponds to a user of the software application[0047, 0080-0081]. It would have been obvious to one of ordinary skill in the art to include encrypting the module link of Delgado with Doty, the motivation is that encrypting is a more secure method of protecting the module link from being viewed by unauthorized users[0080 of Delgado].

### ***Response to Amendment***

24. This amendment is in response to a non-final office action mailed on 2/22/07.

25. The Applicant has amended claims 11 and 20 to overcome 101 rejection.

26. The Applicant states that Delgado does not disclose an installer module that corresponds to the determined version of software code. The Examiner disagrees with the Applicant.

Delgado discloses receiving a command from a user to install software on the computer. Upon receipt, the computer accesses a storage medium having computer code necessary for installing a plurality of software products on the computer including the desired software product. The computer code includes a first portion, such as a primary portion or some other indispensable portion, which is used during the operation of each of the plurality of software products after

installation on the computer. The computer code also includes a number of different second portions. Each second portion associated with and specific to a different one of the software products and used during the operation of only its associated software product. A product key is requested and received, the product key identifying the desired software product. Delgado discloses installing the desired software product by installing the first portion of computer code and only one second portion of computer code, the second portion being the second portion of computer code associated with the desired software product[0009].

27. The Applicant states that Doty does not disclose a module link that corresponds to the version of the content player that is to present the course content. Doty discloses several references are made to e-Learning[0087]. Doty discloses in the design process, the user designs courses that are interactive and engaging that can include instructional strategy options, course/module component options, media assets and layout options, new production time and cost-saving technologies, exercise and activity options, testing options, learner response tracking options, learner response feedback options, content security and digital rights management (DRM) and content localization[0090].

#### ***Final Action***

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2139

June 7, 2008

/J. E. J./

Examiner, Art Unit 2139

/Kristine Kincaid/

Supervisory Patent Examiner, Art Unit 2139